

REMARKS

Upon entry of the present amendment, claims 1-5 and 7-10 will remain pending in the above-identified application, with claims 1-5 and 7-8 standing ready for further action on the merits, and claims 9-10 standing withdrawn from consideration based upon an earlier Restriction Requirement of the Examiner.

The amendments made herein to the claims do not incorporate new matter into the application as originally filed. For example, claim 6 has been cancelled to avoid a redundancy with instantly amended claim 1. Further, amendments to claims 1 and 3 simply serve to put the claims in a better English grammatical format by utilizing proper "Markush" language, and to more particularly recite that the cationic compound is "an amino compound salt or a quaternized ammonium compound". This latter recitation in claim 1 finds support at page 9 of the specification, lines 4-6, as well as in original filed claim 6. Accordingly, entry of the present amendment is respectfully requested.

***Elections/Restrictions***

Applicants acknowledge the Examiner's prior Restriction Requirement, and their election with traverse to prosecute the invention of claims 1-8, drawn to a bleaching formulation, classified in class 252, subclass 186.33. Applicants reserve the

right to file a divisional application directed to the method of claims 9-10, which is non-elected at present.

***Claim Rejections Under 35 USC § 112***

Claims 1-8 have been rejected under 35 USC § 112, second paragraph. Reconsideration and withdrawal of this rejection is respectfully requested based upon the following considerations.

First, each of instant claims 1 and 3 have been amended so that they recite proper Markush language therein. Further, it is submitted that each of pending claims 1-8 particularly and distinctly sets forth the claimed subject matter that the Applicants regard as their own. The statute requires no more.

***Claim Rejections Under 35 USC § 102/103***

Claims 1, 3 and 8 have been rejected under 35 USC § 102(b) as being anticipated by Collins et al. US '625 (US 5,876,625) or Collins et al. US '428 (US 5,853,428) or Collins et al. WO '634 (WO 99/58634). Further, claims 4-6 have been rejected over the same references under 35 USC § 102(b) as anticipated by or, in the alternative, under 35 USC § 103(a). Still further, claims 2 and 7 have also been rejected over the same references under 35 USC § 103(a). Reconsideration and withdrawal of these rejections are respectfully requested based upon the following considerations.

In instant amended claim 1, it is particularly and distinctly set forth that the cationic compound is "an amino compound salt or a quaternized amino compound". Each of the cited Collins et al. references fails to disclose or teach this aspect of the claimed invention. For example, all three cited references only disclose counter ions which would balance the charge, and therefore correspond to comparative Examples set forth in the present application. Further, it is noted that exemplifications found in the three cited art references do not fall within the range of amended independent claim 1. Likewise, it is noted that a review of the present specification shows superiority for the present invention as exemplified by Examples in the present specification, which would not be obvious to one of ordinary skill in the art upon reviewing the disclosures of the three cited Collins et al. references. In support of the above contentions, the Examiner's attention is directed to pages 12-16 of the specification wherein both exemplary Inventive Examples and Comparative Examples are set forth. Upon review of this section of the application, the Examiner will easily see that with the claimed bleaching formulations of the present invention, a sufficient bleaching performance is obtained at a low temperature of 20°C (see page 13, line 11). As shown in Table 1 of the specification (see page 15), each of Inventive Examples 1-8 possessed a high bleaching ratio (%)

when compared with Comparative Examples 1-5 which do not contain a cationic compound of the present invention therein.

CONCLUSION

Accordingly, based upon the amendments made herein, as well as the remarks presented, and comparative testing set forth in the application, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims under consideration (claims 1-5 and 7-8) are allowed and patentable under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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